

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

GLORIA CAMPBELL, )  
                        )  
Plaintiff,           )  
                        )  
v.                    )       CAUSE NO. 1:11-CV-197  
                        )  
WALGREEN CO.,       )  
                        )  
Defendant.           )

**OPINION AND ORDER**

This matter is before the Court on the Defendant's Motion to Compel Discovery (Docket # 34), filed on April 11, 2012, seeking to compel Plaintiff to serve her initial disclosures and respond to Defendant's First Set of Interrogatories and First Request for Production of Documents (collectively, "Requests"). Plaintiff has not responded to the motion, and the time to do so has since passed.

As the motion recites, Plaintiff's initial disclosures were due on August 12, 2011, and her responses to Defendant's Requests, which included consents and authorizations for the release of physical and mental health records, were due on December 13, 2011. (Br. in Supp. of Def.'s Mot. to Compel Disc. ("Br. in Supp.") ¶¶ 2-3.) Despite several requests from Defendant's counsel for the initial disclosures and the responses to the Requests (Br. in Supp. ¶¶ 2-4, 7-8) and representations from Plaintiff's counsel that both were forthcoming (Br. in Supp. ¶¶ 2, 5, 7, 9, 11-12), Plaintiff still has not served her now eight-month overdue initial disclosures or four-month overdue responses to the Requests. On January 30, 2012, Defendant's counsel also sent IRS Forms 4506 and consents and authorizations for release of Indiana Department of

Workforce Development records to Plaintiff's counsel (Br. in Supp. ¶ 6), but has not yet received the completed and signed consents and authorizations (Br. in Supp. 3).

Therefore, in accordance with Federal Rule of Civil Procedure 37—and because Plaintiff has failed to respond or raise objections—Defendant's Motion to Compel Discovery (Docket # 34) is GRANTED. Plaintiff is ORDERED to serve the initial disclosures, respond to and produce all documents responsive to the Requests, and provide completed and signed consents and authorizations for the release of physical and mental health records, IRS Forms 4506, and consents and authorizations for release of Indiana Department of Workforce Development records to Defendant's counsel by May 11, 2012. The discovery deadline is hereby extended to June 1, 2012.

Defendant also requests its attorney's fees and costs incurred in bringing this motion. Pursuant to Rule 37(a)(5)(A) and its presumption that the prevailing party on a motion to compel is entitled to expenses, including attorney's fees, *Maxwell v. South Bend Work Release Ctr.*, No. 3:09-CV-008-PPS-CAN, 2010 WL 4318800, at \*4 (N.D. Ind. Oct. 25, 2010), as Defendant has shown a good faith attempt to informally obtain the discovery, Defendant's motion is also GRANTED as to attorney's fees with the amount to be determined. Defendant's counsel is granted until May 4, 2012, to submit an affidavit in support of their request for attorney's fees. Plaintiff can file any objections to the amount requested by May 11, 2012.

SO ORDERED.

Entered this 1st day of May, 2012.

/S/ Roger B. Cosby  
Roger B. Cosby,  
United States Magistrate Judge